



**POLICY STATEMENT
MANUAL OF POLICIES AND PROCEDURES**

INDIANA DEPARTMENT OF CORRECTION

Effective Date	Page No. 1 OF 2	No. of Pgs. 2
Policy No. 00-01-102		

Title

OFFENDER ACCESS TO THE COURTS

Text

PURPOSE:

The purpose of this policy is to establish guidelines for offender access to legal representation and the courts.

POLICY STATEMENT:

The Department of Correction shall ensure that each offender is provided with the opportunity to have access to legal representatives, including consular officials, and the courts to the extent required by statute, treaty, court order, rule or applicable policy or rule. Offenders shall be permitted to have confidential communications with their legal representative and the courts within the parameters established by law. In a similar manner, the Department shall ensure that each offender who is a foreign national has access to the diplomatic representative for his or her country of citizenship.

The Department shall not impose restrictions on visitation, correspondence or telephone communications with legal representatives that would obstruct the availability of adequate legal representation, except as necessary due to security and manageability of the facility. Restrictions on access to the courts, legal counsel, personal legal papers and legal research materials shall be reasonable as necessary for the safety and security of the facility.

The Department shall afford an offender reasonable access to legal materials for the preparation and filing of legal documents. The Department shall provide the offenders with the ability to prepare, copy and mail legal documents, either at the offender's expense or at the Department's expense in accordance with statute, court orders and Department policy.

The Facility Head may suspend the rights presented in this upon the declaration of an emergency that threatens the general safety and security of the facility.

An offender shall not be subject to reprisals or penalties due to communication with a legal representative or a court, unless the communication violates the law or is an attempt to circumvent Department policy.

This policy is applicable to all facilities, staff and offenders.

LEGAL REFERENCES:

IC 11-8-2-5(a)(8)	authorizes the Commissioner to develop policies, programs and services for committed persons, for administration of facilities, and for conduct of employees of the Department.
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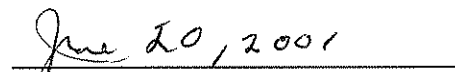
Text

- IC 11-11-3-4 Authorizes the Department to open correspondence to inspect for contraband and prohibited property.
- IC 11-11-3-8 Permits the Department to place reasonable restrictions on visitation based upon maintaining the security of the facility, the safety of individuals and administrative manageability.
- IC 11-11-5-4(5) Restricts the Department from imposing, as a disciplinary action, restrictions on an offender's access to the courts, except as provided by statute; access to legal counsel,...; and access to personal legal papers and legal research materials.
- IC 11-11-7-1 *et seq.* Authorizes the Department to allow a confined person reasonable access to legal materials to research legal matters and prepare and file legal papers. It also requires the Department to provide an indigent confined person with free stationery, envelopes, postage and notarial services for legal correspondence.
- IC 35-50-6-5 Authorizes the Department to take disciplinary action against an offender who files a frivolous, unreasonable or groundless civil claim.

RELATED POLICIES:

- 00-02-301 The Offender Grievance Process
- 02-01-101 Offender Personal Property
- 02-01-102 Offender Visitation
- 02-01-103 Offender Correspondence
- 02-01-104 Telephone Privileges
- 02-04-101 The Disciplinary Code for Adult Offenders
- 03-02-101 Code of Conduct for Juvenile Offenders


Chairperson, Board of Correction


Date